

FILED
AUG 25 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARK CUNNINGHAM,
HARRY HAWKINS,
and LINDA WIEHL,

08-CV-535-PK

ORDER

Plaintiffs,

v.

LUND TRUCKING CO.,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#55) on July 23, 2009, in which he recommends this Court deny Defendant's Motion to Dismiss (#42) and deny Plaintiff's Motion for Partial Summary Judgment (#34). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its

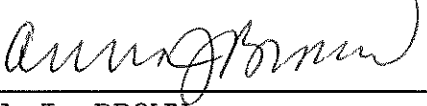
obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#55). Accordingly, the Court **DENIES** Defendant's Motion to Dismiss (#42) and **DENIES** Plaintiff's Motion for Partial Summary Judgment (#34).

IT IS SO ORDERED.

DATED this 19th day of August, 2009.



ANNA J. BROWN
United States District Judge